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## ICANN Transcription

### GNSO Council Meeting

**Thursday, 21 September 2023 at 21:00 UTC**

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#### List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

#### Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

#### Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo

Novoa, Thomas Rickert (apologies, proxy to Osvaldo Novoa), John McElwaine, Susan Payne

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos (apologies, proxy to Stephanie Perrin), Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly (apologies, proxy to Manju Chen), Manju Chen

Nominating Committee Appointee (NCA): Paul McGrady

**GNSO Council Liaisons/Observers :**

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Everton Rodrigues: ccNSO observer

**ICANN Staff:**

David Olive - Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies)

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Ariel Liang - Policy Development Support Manager (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

Devan Reed - Secretariat Operations Coordinator

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TERRI AGNEW: Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting on Thursday the 21st of September 2023. Would you please acknowledge your name as I call it? Thank you. Antonia Chu?

ANTONIA CHU: I'm here. Thank you, Terri.

TERRI AGNEW: You are welcome. Nacho Amadoz.

NACHO AMADOZ: Here.

TERRI AGNEW: Kurt Pritz?

KURT PRITZ: I'm here. Thanks.

TERRI AGNEW: You are welcome. Sebastien Ducos?

SEBASTIEN DUCOS: I am here.

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TERRI AGNEW: Theo Geurts.

THEO GEURTS: Yes.

TERRI AGNEW: Greg DiBiase?

GREG DIBIASE: Here.

TERRI AGNEW: Desiree Miloshevic?

DESIREE MILOSHEVIC: I'm here.

TERRI AGNEW: Marie Pattullo?

MARIE PATTULLO: Here. Thanks, Terri.

TERRI AGNEW: You are welcome. Mark Datysgeld?

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MARK DATYSGELD: Present.

TERRI AGNEW: John McElwaine?

JOHN MCELWAINE: I'm here.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: I'm here. Thanks.

TERRI AGNEW: You are welcome. Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

TERRI AGNEW: You are welcome. Thomas Rickert sends his apologies. Proxy is given to Osvaldo Novoa. Paul McGrady.

PAUL MCGRADY: Here.

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TERRI AGNEW: Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin?

STEPHANIE PERRIN: Manju Chen.

MANJU CHEN: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Farell Folly. I don't see where Farell has joined yet. We'll go ahead and see if we can get him on. Bruna Martins dos Santos sends her apologies, and proxy is given to Stephanie Perrin. Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Present.

TERRI AGNEW: Anne Aikman Scalese?

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ANNE AIKMAN SCALESE: Can you hear me? [inaudible]. I'm via phone only.

TERRI AGNEW: Yes, Anne, we can. Thank you for noting that you are by phone only at this time. Jeffrey Neuman?

JEFF NEUMAN: I am here. Thank you.

TERRI AGNEW: You are welcome. Justine Chew?

JUSTINE CHEW: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Everton Rodrigues.

EVERTON RODRIGUES: Present. Thank you.

TERRI AGNEW: You are welcome. The policy team supporting the GNSO, we have Steve Chan, Marika Konings, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Ariel Liang, Devan Reed, and myself, Terri Agnew. May I please remind everyone here to state your name before speaking as this call is being recorded. A reminder that we are in a Zoom webinar room. Councilors are panelists and can

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activate their microphones and participate in the chat once they have sent their chat to everyone for all to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to the GNSO chair, Sebastien Ducos. Please begin.

SEBASTIEN DUCOS:

Thank you, Terri. And good evening, everybody, or afternoon, or morning, or very early morning for our friends in Asia. And welcome to this September GNSO meeting. Having done the roll call, I would like to call anybody that would have an update to their statement of interest. I'm giving it a second. I see no hands up, so I assume everybody's up to date. Thank you. We can go to the next point, which is the review of the agenda. Anybody want to suggest an amendment or change? And again, I see no hands up, so I guess we're good with the agenda as is. You will have picked up in the last 24 hours there was a few changes, but we'll leave the item as is and have a discussion there.

Note that we have posted the minutes of our last two council meetings, as always. I cordially invite you to go and check them and review them to make sure that they reflect what you said and heard. I know a few of you do comment on the list or come back to the team, which is good. Thank you for doing that. And if there are no comments—I still see no hands. We can go directly to item two.



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It's been a tradition for over a year. We're not going to go through the details of our project list and radars and everything, unless anybody has a comment or question about them. Otherwise, as always, you are, of course, not only invited, but asked to make sure that you are on top of these things, know what's coming and able to question anything that we're doing here. But seeing nothing, I see no hands, we will go back to the agenda. I'm not quite sure who's driving this. Ariel, I guess I see you there. Thank you.

Today we have no consent agenda. So that's going to be a very short item three. And then we can go directly into item four, which was the planned vote on the CCOICI recommendations for the SOI. But as you will have seen in the main list, was pulled by Manju Chen, who had presented the motion and is the chair of the CCOICI for reasons that she will give. And I might say a few words afterwards. Manju, did you want to introduce this and explain what's happening?

MANJU CHEN:

Yes, thank you, Sebastien. This is Manju. So if you remember what we talked about in the last meeting last month, I presented what we've achieved in the CCOICI. We have this recommendation report on SOI with one recommendation that didn't achieve consensus, which is when there's ethical obligation to prevent you from stating who you are representing, then you can just put private because we didn't achieve consensus on the proposed improvement language, but we still think the other recommendations are worth considering and it still presents a great improvement of the overall SOI process. So we still would

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like to submit the report and therefore I submit the motion for council to adopt the report.

Yesterday I received feedback from other stakeholder groups, namely the contracted parties, they were saying to me that they wouldn't be able to vote for adopting the report if we keep the recommendation language as is, which is we will be adopting the whole report, including the recommendation, which is if you're not able to reveal who you're representing, you're just putting private. But like I said, we still very much like all the other recommendations.

So in order to preserve all the other good recommendations, while kind of not including this one, which is kind of not—somebody wouldn't be able to vote for, I agree to withdraw the motion to try to kind of edit the language of the motion, not the report, actually the motion to find a way to adopt this report with—we can adopt all the recommendations we have achieved consensus with without risking putting this whole report into a garbage can because one of the recommendations didn't get support from all stakeholders. So that is my brief introduction. It is now withdrawn and we won't be having a vote, but we will be working on it in the coming month in order to hopefully in the meeting in October, we will be able to adopt the report without having to shut it down. Thank you.

SEBASTIEN DUCOS: Thank you very much, Manju, for this thorough explanation. Just before I give you the hand, Mark, I will just say briefly that I'm the one that contacted Manju yesterday, just to make it clear, on

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behalf or at the request of the CPH. Mark, go ahead, and then I'll put myself in the queue. Go ahead, Mark.

MARK DATYSGELD:

Thank you very much. I'll preface by saying that I fully trust Manju's stewardship of this. I think she has been doing a great job in this particular group. So this is nothing directed at her leadership, which I fully support. What I am concerned about is the timing of this change. And therefore, it's probably something that I'm directing more at you, Sebastien, in the sense that this was very close to the meeting. It is something that would be difficult to revert to our own stakeholders. So in terms of procedures, this ended up, in a sense, of course, it is important that we all align and we fully respect the CPH's need to align. But it also generated a difficulty of aligning on our own side. So at the end of the day, it would be really good if moving forward on this, we establish a very clear path, because the work that has been done is solid. It is credible work. It is something that I feel we're pretty much aligned on. So in order to avoid generating any sense of distrust in our constituents, we really need to lay this out very clearly so that each councilor can go back to their constituency and lay out exactly what's going on, what are the very clear sticking points, what will be worked on, and we can very reliably relate to them what's going on. Because from a timing perspective, this didn't work out great. But otherwise, I continue to trust the group that we will arrive at a good consensus. But we do need to be aware of keeping the process very clear in a way that is transparent for our stakeholders. Thank you.

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SEBASTIEN DUCOS: Thank you, Mark. Well heard. Theo Geurts, you're next. Go ahead.

THEO GEURTS: Yeah, thanks. So I think the biggest problem with this is the entire transparency issue. So while we're moving forward with all the recommendations like Manju suggested, I do have a problem with that. I mean, we still need to solve the transparency issue before we can move forward to adopt anything here, in my opinion. Just speaking at the personal capacity. Thanks.

SEBASTIEN DUCOS: Thank you, Theo. I put myself in the queue. So I will speak now. So let's be clear. On Monday, Tuesday, we had a CPH that was going to vote this down and vote this down very specifically on the fact that the motion, as Manju said, contained a sort of a recap of the articles that would allow somebody not to keep private. And that was seen as a sort a positive confirmation of the status quo, which the CPH wasn't ready to vote positively on. The reason we asked Manju if there was a possibility to delay this vote by a month to have more time to rewrite the motion and remove that aspect of the positive voting of the status quo, the status quo is the status quo, but this idea of confirming it was not palatable to CPH. The idea of postponing and asking Manju to withdraw is specifically because we didn't want to throw the good with the bad, that we did want to keep the other elements, the other add-ons to the SOI, which were seen as positive. Also, our respect for the work that had been done for over a year on this and by the task force and then by the CCOICI. But this point of transparency is

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one that we will have to go back and work on. And we'll have to schedule that later, not in the course of this month, obviously. So we'll ask to have a motion that just focuses on the new add-ons. But then the CPH will also want to see this work happening again. And clearly, because the task force worked on it for months and couldn't find any result, the CCOICI worked on it for months and couldn't find any result in consensus. We will also have to figure out maybe another means of having this discussion to allow us to find something that is palatable for everybody and we can agree on. Thank you. And now I see Greg's hand. Go ahead, Greg.

GREG DIBIASE:

Yeah, this is Greg, for the record. Seb, I think you said most of it. I just kind of wanted to put a finer point. And first of all, thank Manju and the small team's work for the result here. And Mark, I certainly understand your concerns about timing and noted. I think the issue just came down to with that exemption provision remaining in which certain parties were not compelled to say who they were working on behalf, that seemed to undermine any other improvements that may go forward in the SOI from the perspective of the contracted parties. So that was our thinking here. And I do just want to reiterate that we appreciate the work that this group has done. And it's just a matter of figuring out how we can move forward while still giving the option of addressing this exemption issue.

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SEBASTIEN DUCOS: Thank you, Greg. I see Marie and then Theo again. And then I'll have to cut the queue because we can't spend the whole evening, sadly enough, on this one topic. But go ahead, Marie.

MARIE PATTULLO: Thanks, Seb. I'm not going to reiterate everything that we did in the working group, in the committee, I'm sorry. Obviously, Manju has done a fabulous job. I clearly do share the timing concern. You saw my email this morning because it was the first mail I read. If we go back very briefly to what happened during the months of discussion about this, there were a number of suggestions that we came up with that would tighten things even further. The status quo, I mean, this thing has been there for ages. From the top of my head, I don't remember the stats, but Marika came out with some wonderful stats with a lot of work that showed that it's very, very, very rarely used. It's also an honor system. We can't enforce it. I'm not going to repeat all of the arguments, but we do know them all. And, of course, very happy to go back into the committee and talk around it again. But it really is a concern because we had worked on this for such a long time. A lot of different compromises were made from a lot of different angles, and we really thought we got it this time. And it is very unfortunate. I do appreciate that you guys need to align. Of course I do. But I can't give you a BC perspective now because I haven't had time to speak to them. So we do need to, all of us, try to figure out how we can try to accommodate everyone, I think. Thank you.

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SEBASTIEN DUCOS: Thank you, Marie. And I guess, Kurt, you're the last one, and then we draw a line. Go ahead, Kurt.

KURT PRITZ: Right. Thanks for that, Marie. I just want to focus on your very last sentence, even though I raised my hand earlier. The intent in suggesting that the resolution be reconsidered came from the result that there would be votes to either abstain or vote no on this, and wishing to avoid that, and wishing to ensure we can adopt the existing changes, the existing proposed amendments as quickly as possible. We thought this was the way we could proceed with the most alacrity, rather than a vote that would, in effect, reject the resolution. And so we thought that this would give us the time—like you said, you need time to go back to your constituency. We thought this would give us the time to figure out how to repropose this and preserve the recommendations that were made in the next month. And then finally, I agree with you that sending this issue back to the same discussion forum that got to where it did get to would probably not be effective. But those, including me, that are very interested in the transparency issue would look to the council and the GNSO to propose a way to approach this issue in some other way. So, yeah, I completely understand, anyway, the fact that you haven't had a chance to discuss this with your constituency, and that's why we're providing time up until the next meeting to figure that out. Thanks, everyone.

SEBASTIEN DUCOS: Thank you, Kurt. If we can go back to the agenda. Thank you very much. And with this, and again, I'll reiterate that I've said it before

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and I'll say it again. Indeed, thank you, Manju, for steering this very difficult discussion. And it's been a joy working with you on it, at least for the last year. Can we move on to item five?

And item five is our next vote for today, and we are voting on the RDRS standing committee charter. Just for background, the RDRS started its work through a small team that was quickly chartered. I'm not sure that the small team has a charter, but there was a document. Quickly chartered when we received the SSAD ODP with a task then given by the board to try to find a way if we could piecemeal or simplify or step up the development of an SSAD. Because the pricing estimate that was given for it out of the ODA was way too high.

So the small team has been working on it for the last year and a half. We are about to launch this RDRS, it should be launched in November. And we thought it would be a good time to pivot the small team now that we are going to go into a completely different task, which is no longer to sort of plan, design and prepare launch for a tool, but to monitor its usage and analyze its usage in order to make sure that we can get out of it the all precious usage data and evaluate where we wanted to go with the whole SSAD to develop the full SSAD to remain closer to an RDRS or anything in between or anything else. But all this to be to be discussed based on analysis of the usage of this platform.

And so we are pivoting this into a standard committee for which you would have read the charter. And if there are no questions about the charter or the status of where we are with this, we may want to proceed with those. And I see no particular question about it. Yes, I see a question from Kurt. Go ahead.

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KURT PRITZ:

Yeah, I'm sorry. So I read the charter and it's fine. And I'm certainly going to vote to approve it. But one, on the part of this standing committee, there will be a lot of work. And second, the sorts of decisions or advice called upon from the standing committee requires technical expertise, it requires some sort of statistical expertise, so I just, I don't know, going at, I think we should approve this, but going into this, we should be prepared to be flexible, and ICANN needs to be flexible so that in evaluating the performance of the thing I'll call SSAD light. You know, we have the right people involved to provide appropriate input so that the right decisions can be made going forward as to how and whether to take the next steps in this. Thanks.

SEBASTIEN DUCOS:

So thank you Kurt for mentioning this. So it is in the charter, you will find, [inaudible] because the wording is, but there is an item saying that the standing community will be able to call upon expertise where need be. The specific point of stats, stats analysis, that sort of thing was mentioned in the small team. Of course, some of these expertise might come from within the community, and volunteers, some of them might be professional expertise that we need to pay for. In which case, thank you for noting it. And indeed, we will have to also ensure that we get, if and where needed, budgets released, which I think is from ICANN. Theo, I see your hand up.

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THEO GEURTS: Yeah, thanks. And I fully agree with this and I totally support it. But I do would like to point out it's going to be the lack of data that is going to be very telling when it comes to dealing with cybercrime. I mean, when we are looking at cybercrime, and we are looking at what the LEAs can focus on, that's maybe 6% of the cybercrime. So when you talk about the requests coming in to the system, that's going to be very low. I mean, if you only can focus on 6% of all cybercrime that's happening on a daily basis, you can only expect that the amount of requests are going to be very low. That's kind of what is happening already on a registrar level. The amount of cybercrime that we witness is at a certain level. And what we see is the amount of requests are way below the amount of cybercrime that we see. So that is going to be sort of an issue when we move further along with this pilot. Thanks.

SEBASTIEN DUCOS: Thank you, Theo. This is also something that's been discussed in the small team. Let's focus right now on the charter amendment vote, but it will be part of the discussion once the standing committee is stood up, and we'll start analyzing the data coming out of the system. Jeff.

JEFF NEUMAN: Yeah, thanks. Jeff Neuman, GNSO liaison to the GAC. So I can help explain this to the GAC. The only members from the GAC that can participate on this, the way I read it, is if they were a member of the EPDP phase two small team or they're invited as an expert. Is that a correct reading of it?

SEBASTIEN DUCOS: So, no, I'm not quite sure that is—let's discuss it with GAC members if there is an interest to join the team, and we can look at it. There is a fair amount of—if not expertise, at least of background knowledge to have in this. And as always, both the small team and the standing committee is going to look to making sure that we're not an army of hundreds, taking decisions here, or at least making recommendations. But I don't personally see any problem in the GAC joining if it's somebody—I can see Marika having something in the chat but I haven't had the time to read. I don't read that fast. If there's a will and if there is a purpose for it.

Again, this committee is not to take decisions on its own. It's purely to analyze the data and potentially come back with recommendations to the GNSO decisions on the future of the SSAD, the policy that was developed and the original planned tool is not going to be taken just by the standing committee behind closed doors or anything like that. They're merely there to analyze the usage, possibly re-guide if along the way we decide to change a feature or two or adapt or something like that. And then go back to the GNSO. I see your hand up again, Jeff.

JEFF NEUMAN: Yeah, thanks. And I wasn't judging the decision. I just wanted to make sure I understood what it said, because I know I'll be asked about that. And I just want to make sure I can answer the question. And I think Stephanie sort of put in and what was part two of my question, which is this is a standing committee. So in two, three years from now, people who are participating in EPDP

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phase two may no longer be around. And so the question about replacements and things like that, I think is probably something I'll be asked about. Again, I don't mean this to sound like judgment. It's not, I just wanna be able to explain it. Thanks.

SEBASTIEN DUCOS: I hope that I was able to offer the explanation. Susan Payne, I can see your hand up.

SUSAN PAYNE: Yeah, thanks. Yes, so I think maybe it's this language that Marika flagged that's causing a bit of confusion, perhaps, and perhaps it just needs a bit of tweaking, because the suggestion that the EPDP phase two small team members would be asked if they're willing to continue as members and or identify any alternates that could take their place in case of absence, that kind of implies that they're staying as members and the alternate is just someone who subs in for them. But it must also be the intent, surely, that if someone's phase two member is no longer in the community or doesn't want to take this job on, that they must be able to appoint a replacement instead. I mean, I don't think it's intended not to allow for that, is it? So I don't know, I don't have some suggested alternative wording, but it just seems a bit that reference to alternates, we tend to read alternates as being the backup person in a working group, and I'm not sure that that's intended quite as that.

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SEBASTIEN DUCOS: No, you're absolutely right. Again, the intention is to have a person that represents the different part of the GNSO [inaudible]. And to have an alternate indeed now over the next two years, and as was mentioned by Jeff, years after the whole initial work was done, the people may have moved and etc. So if people are no longer part of the community, no longer part of the work, they will have to be replaced. And the aim of the game was mainly to have one person in charge, and then if that person and temporarily one meeting or two can't make it, to have an alternate. But indeed, if that if that person is no longer able to represent on in the long run, they will have to be replaced by the alternate or another and find another potential principle and alternate. The idea again is, this doesn't need a whole army of participants. We are going to go and analyze the stats coming out of the system on a monthly, on a quarterly basis, have calls, see if everything is coming out and then the way it should, that sort of thing. And the work of the standing committee is mainly that analysis to make sure that it's able to track the information that it needs to track in order to be able to enrich our knowledge on the need, on the usage, on all these things in order to then further be able to recommend which [inaudible] the SSAD. I don't see it as an army of 150 people needed. But we're not chaining people to this for the next two years. If people need to move on, they will be replaced, obviously. Theo, go ahead.

THEO GEURTS: Yeah. And again, the lack of data compared to the data that you have from the DAAR system, they'll be very telling. Thanks.

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SEBASTIEN DUCOS: Again, let's not preempt what's coming out of it. We are way out of time indeed. So we need to move on. Shall we proceed to this vote? And I guess I see no hand to the contrary. So I guess we should. Can somebody from staff help me on what I need to do next now?

TERRI AGNEW: Sebastien, this is Terri, we do need you, since you submitted it, to go ahead and read what they're voting on, please.

SEBASTIEN DUCOS: Sure. So the resolved. I see Stephanie suggesting a friendly amendment for the greater clarity alternates means in some cases replacements as required. Listen, I have no objection if it makes everything clear. This is very last minute. As I allowed a very last minute on another topic, I'm certainly not going to stop that. If everybody is okay with it, and I see support, then I'm happy to have that included. If somebody can take note of Stephanie's suggestion. Okay, yeah, overwhelming support. So, back to the vote.

So, resolved. The GNSO council adopts the charter for the Registration Data Request Service, the RDRS standing committee, to help inform the next steps on the SSAD policy recommendation. The URL to this charter. Prior to the launch of the RDRS Standing Committee, the GNSO Council will identify a chair. The GNSO Council requests the GNSO Secretary to confirm with the existing EDPD phase two small team members if they're willing to continue as members of the RDRS standing

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committee and/or identify any alternatives that may take their place in case of absence. Similarly, the GNSO secretaries will reach out to the existing ICANN board liaison and ICANN org liaison to confirm their willingness to continue in their role of the standing committee. If not, a new liaison will be requested to be identified. The GNSO Council expects the RDRS Standing Committee will become operational upon the moment the public RDRS launch. Until that time, the EPDP Phase 2 small team is expected to continue its engagement with the ICANN org team as necessary in fulfillment of its assignment. Upon the public launch of the RDRS, the EPDP Phase 2 Small Team will cease to exist. Any remaining activity at that point will transition to the RDRS Standing Committee. The GNSO Council thanks the EPDP Small Team for its work to date and appreciates the willingness of its members to continue contributing to this important topic. With this, I believe we can proceed to vote.

TERRI AGNEW: Thank you. A couple of items to just clarify and update before we go for the vote. So this vote is for supporting of the friendly amendment, correct?

SEBASTIEN DUCOS: Correct. I saw overwhelming support in the chat.

TERRI AGNEW: Perfect. I just wanted to make sure everybody understood that. Also, I just wanted to point out one more item. Farrell Folly was unable to make the call. So proxies have now gone to Manju

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Chen. So I just wanted to make that on record. So here we go for the vote. Would anyone like to abstain from this motion? Please say aye. Hearing none, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of the motion? Please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. Would councilors holding proxies, so Osvaldo Novoa for Thomas Rickert, Stephanie pairing for Bruno Martins dos Santos and Manju Chen for Farell Folly, please say aye.

OSVALDO NOVOA: Aye.

STEPHANIE PERRIN: Aye.

MANJU CHEN: Aye.

TERRI AGNEW: No abstentions, no objection. The motion passes. Back to you, Sebastien.



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SEBASTIEN DUCOS: Thank you very much, Terri. And thank you everybody for this. Can we get back to the agenda? And apologies for the rest of the discussion, but we will have to move faster and faster because indeed we've taken a lot of time on those two first discussions. So item six and without further ado I will pass on directly to Paul McGrady and possibly also Greg to present this next vote.

PAUL MCGRADY: Great. Thanks, Sebastien. Paul McGrady here. We'll make up some time. So similar to Manju's motion, except for with even less notice from me, what was meant to be a vote today is not ready. The small team met earlier in the week. And so now we need to make this a discussion item and we're gonna come back with a vote when we are all set. So the discussion item on the additional clarifying statement has to do with the PICs and RVCs that we carved out of the other clarifying statement which has already gone to the board which they've already acted on. What remains in the clarifying statement in the triage phase of the small team's work really has to do with some specific language that the board came back to us and asked us to consider. And we have just been hung up on some of the language specifically around making sure that PICs and RVCs are enforceable as a practical matter. That's the phrase that the board came back to us with. Stephanie has helped us out by coming up with the word practicable, which is a little more of a fulsome definition, but we really are hoping to get some additional feedback. We had some from Avri. Becky was not on our last call, but we're hoping to get some additional feedback from Avri and Becky about what it is that that means. Does that mean enforceable by the courts? Does that mean enforceable by

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ICANN compliance, such that if somebody came up with a new business model that would require more compliance people than the annual registry fees would cover? Does that make it impracticable or impractical and therefore applications that would otherwise be novel and harmless, but might need more ICANN resources will be rejectable? Does it mean enforceable by PIC DRP panelists, right? So there's just some questions that we couldn't get answered in time. And so there is no motion, no final version of this today. There will be a final version for our next call. So I apologize for sort of even less notice. Mark, you can chastise me too. But we're doing this on the fly. So that's where we were. Ann puts in that Becky commented via email that the RVC terms must be objective been measurable so as to permit enforcement. Yeah, we've gotten some feedback. We don't want to bore the council with us having a small team discussion in front of you guys about what remains, but we did want to flag that we're not quite there yet And we really want to be cautious here because when this is done, the board will take this clarifying statement out and they're going to go out to the broader community and have a conversation about the PICs and RVCs generally because of the concern that some have that content issues will be triggered by them. And so we're hoping that with an ounce of prevention, we'll get a pound of cure. So thank you for sticking with us on that. I at this point, I think maybe a queue on questions on this and then we'll move on to item seven if Sebastien would like for us to do that. Kurt, go ahead.

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KURT PRITZ:

I know you don't want to bore us with the details of a small team discussion, but we'll all be voting on this next time, hopefully. And so you want to find that Goldilocks amount of keeping us informed so that we understand this, because this will be a sensitive issue in the next round, because it'll affect possibly many applications and GAC advice and those sorts of things. So we really want to understand, I think, well, I do anyway what the discussion is and what the motivation of the parties is. So I appreciate your shielding us, but try to keep us informed too. Thanks.

PAUL MCGRADY:

Thanks, Kurt. Yeah, and I see your comment in the chat. That's exactly our question. Why did the board want to include practical and what does that mean, right? And so we are, yeah, we're trying to get that Goldilocks amount of information for you guys because what we don't want you guys to do is to take a look at our half-baked pie and say, oh my God, that's half-baked. It's half-baked, but we hopefully will have it fully baked by the time you hear from us again. And we'll be able to answer some questions like the one you've raised, like why is that important to them? Why are we focusing on things other than just, we think that as a matter of contract law, a court will be able to enforce it. And what does practical mean? So thanks, Kurt, appreciate it. Mark, go ahead.

MARK DATYSGELD:

Thank you for the update, Paul. I would like to second Kurt here in saying that—it's actually more of a question. How much communication have you guys managed to establish with the board on this and how aligned have these conversations been?

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Because it does seem like they're running out of some sort of parallel effort for sure, in which they're also discussing these questions. And I wonder how in synchrony those discussions are and whether that can be improved, whether more can be done in the sense of trying to bring those groups together. Thank you.

PAUL MCGRADY:

Yeah, thanks, Mark. Actually, I think the cooperation has been good. And if you remember, I think it was at, or just before Cancun. The timelines are starting to blur. There was a fear that this small team, which is just a chunk of council, was going to get tasked with going out and having the PICs and RVC discussion with the entire community to try to get to an answer on this. And the board essentially said, no, we'll do that. What we need from you guys to do is to say that when you say PICs and RVCs, you mean things that are enforceable. which I think everybody agrees picks an RVC should be enforceable. So we did a draft and that draft came back the board caucus. It has some things in it that, frankly, I think maybe a little bit of wordsmithing. But because of the wordsmithing it's just created some ambiguity we're trying to clear up. So I don't think we need to change of process right now. I think we are very much in the home stretch. And I think if we had had time for one more meeting, especially one more meeting that Becky could have been at, this would have been ready. It's just the [inaudible] Sebastien, back to you.

SEBASTIEN DUCOS:

So seeing no further questions, back to you immediately after, because we're going to go into item seven. And I can tell you that

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if you're able to manage this in 13 minutes, you are my own personal superhero.

PAUL MCGRADY:

Let's see what we can get done. So this is a council discussion on our updated assignment sheet. Essentially, we have this one last triage item left that we've just talked about. But now at the end of our triage efforts, we're kind of out of mandate. and so we've come back, as you may recall, in the last council meeting, to see if we could get some more apron string from the council to begin the work of considering the recommendations that the board has non adopted. And in that consideration process, there's sort of stage which is looking at the non-adopted recommendations and deciding whether or not we want to fight to keep them. And then if we decide we do, if we are thinking of doing a supplemental recommendation or section 16, so again, that's a categorizing exercise—and all the way keeping the full council informed of what we're recommending and getting feedback. And then actually bringing in folks from the greater community to do some drafting and some work and some socializing. And we are anticipating public comment period, all the things, right?

And so that's the new assignment document that we're looking for. Because if we don't get that, when we're done talking about PICs and RVCs on Monday, we're kind of done until we get the next thing. So what we have proposed for an updated assignment list are to take the analysis that's already been done in a triage work around the non-adopted recommendations and move those forward into this next step. And we will start to think about do we need a supplemental recommendation to respond to the ones we

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want to keep pushing on, or a section 16 process, which is slightly more community heavy? We need permission to consider the board statement, which was part of that voting record regarding the reasons why they not adopted. Part of our role be to advise council on specific questions or issues raised when the board and council meet to discuss that board statement on non adoption. Reconsider whether instead of—we've mentioned this already, but take a look at section 16, how that works, which has, as I said, a heavier community component, and check in with you guys about everything we're up to. And then develop proposed supplemental recommendations or modifications through section 16, check in with council consideration on those things. And so in essence, intense work on a much smaller universe of remaining issues, there's not that much left. But it's time to roll up our sleeves and get our pencils out and come back to you guys with a plan of which ones we want to keep, which ones we want to do supplemental, which ones we think are section 16, and then bring in broader the broader community team that we've talked about already to help us with drafting and socializing and all those things. And then ultimately, keeping you guys informed along the way ultimately back to council for decisions when the time comes. So that's what we're asking for, is just a little more freedom to operate and so we can keep swimming.

And I don't do this enough in general, but as we are entering a new phase, hopefully, I did want to just say a huge thank you to the small team that did the triage work. The contributions of everybody were incredibly helpful. I think that I would be super remiss if I didn't call out my three superstars, which are Anne, Jeff, and Susan. And thank you very much for getting into the weeds

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on these because it's really important. So thank you all three of you and the entire team. I don't leave anybody out. But that's where we are. So can we keep working or should we quit? That's the question. But hopefully we keep working. Should I do questions and answers, Seb? Yeah. Any questions on this?

SEBASTIEN DUCOS: Please go ahead and don't quit on us.

PAUL MCGRADY: Okay. Any questions? All right. I don't see any hands. And so I'm hoping this is one of those things that just happens by silence means yes, and we're going to keep going. So Seb, back to you.

SEBASTIEN DUCOS: Well, I see no hands either. So I guess indeed, keep on the good work. And I promise you that you would be my superhero if you managed to do this on time and you arrived and landed this five minutes early. Fantastic. Thank you very much. And thank you, everybody else, for indeed allowing this small team to continue its good work. It's been fantastic to watch. I wish I was able to contribute as much as the superheroes in this particular team. But it's been very good to watch.

Anyway, with this, we can go to item eight of our agenda. And I will pass the mic on to Greg.

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GREG DIBIASE:

As you all know, ICANN 78 is rapidly approaching. We are going to go through a quick outline of what the schedule looks like, open it up for comments and questions, and then hopefully solicit some ideas on topics we should discuss at our bilateral. Terri, I think maybe you were going to help present or you're handing this over to me for the slides.

TERRI AGNEW:

I'll just say a quick little blurb, if you don't mind, Greg, and then I'll turn it back to you to go through more of them. So thank you, everyone. As you can see on the agenda, the GNSO Council will be busy during ICANN 78. The agendas will be posted on the GNSO Wiki page. I did put three links in the Zoom chat that would be helpful for you along the way. We will send an email closer to the Council mailing list on how to get organized with instructions, how to add to your schedule. I, for one, find that very handy to get to those meetings added to my personal schedule.

Some helpful reminders. Prep Week takes place online only the 9th through the 11th of October. Please note that the ICANN 78 GNSO Policy Webinar will be held on Tuesday, the 10th of October at 13:00 UTC. And a placeholder invite has been sent to the Council mailing list. Please send me a message if you do not see that on your calendar. Again, the 10th of October at 13:00 UTC.

Just a couple of notes before I turn it back over to Greg. On Saturday, the 21st of October at 19:30 will be the GNSO Council Dinner. It is sponsored by Thomas Rickert. Invites have been sent to incoming and outgoing Councilors only. And there were



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directions in the email. So, if you could please find that email, take a look, and respond to it with the information we need. It would be helpful. Thank you.

Also on Tuesday, the 24th of October from 17:45 to 18:45 is the GNSO Council Informal Meeting. This is where we invite the SG/C Chairs to come and discuss matters on the GNSO Council Agenda. There is no remote participation, and this is a closed meeting. But good news, cocktails will be available.

A couple more reminders before I turn it back over to Greg. The Comprehensive Schedule will be published on the 2nd of October of 2023. And the Prep Week Schedule is published on the 25th of September 2023. Please remember to pack your water bottles as there will be several water filling stations available. With Greg, I'll turn it back over to you to provide more information on some of the meetings.

GREG DIBIASE:

Okay. So, starting at the top in Prep Week, first, I want to remind all Councilors that the GNSO Pilot Policy Webinar is mandatory. And I encourage, possibly instruct, everyone to attend and provide comments and questions. The next one I'd like to call to your attention is the Joint At-Large and GNSO Meeting. Leadership had a quick sync with At-Large, and I think Justine helped arrange this. So far, we've come up with topics on the work regarding the small team subsequent procedures, which At-Large was interested in, the .Quebec issue and possible ways forward, as well as kind of an overview on where we stand on the RDRS. If others have additional topics, please let us know and maybe hold

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that until I go through the schedule and we can open it up for discussion. The next thing I'd call out is the GNSO Celebration Dinner session. A lot of that will be discussion about the early days of GNSO. So, if you are an old timer that has funny anecdotes or stories, please let us know and work with me, Marika, and I think Terri, to make that as interesting and fun as possible. Next slide.

Yes, Jeff, I think you're an old timer and I expect... I'm basically saying this to you. Yeah, very astute. We are meeting with IANA, with SSAC. I think we have a couple of items, more updates for those meetings, but please provide additional commentary if you have topics that we think are worth discussing. Same with the ccNSO and GNSO meeting. We have some topics listed here, topics about the WSIS+20 discussions, updates from the ccNSO and GNSO, and reflections on bylaw changes. Thanks, Jeff, volunteered. Then moving on to the next slide.

We have our GAC GNSO meeting, and I'll note that I think I saw Jeff in the chat say that the topics for discussion are being drafted and will be discussed on October 2nd, and we will provide more information after that date. Then we have another informal meeting. Next slide.

And then I think potentially what we're looking for the most feedback on is our meeting with the board and the GNSO council. I think I'll stop there and see if there are topics, ideas for discussion for any of our bilateral meetings, be that ALAC, IANA, SAC, or the ICANN board. Manju?

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MANJU CHEN: Hi, Greg. Thank you. This is Manju. Sorry, I don't have a topic to offer. I just wanted to note that I remember in DC when we had the meeting with the GAC, we didn't have any advance knowledge of what the questions on the slides were. It's like our questions to that or GAC questions to us, I don't remember, but it's just like we didn't know anything about the questions being discussed in events, and I certainly hope we can prevent that this time. I saw that there's an agenda setting call already on 2nd of October, which is like 20 days earlier than our formal meeting, and I surely hope that this time it won't happen again. Thank you.

GREG DIBIASE: Yeah, thank you for that, Manju. We've definitely noted that from last time, and I think Steph, correct me if I'm wrong, but we will have an updated agenda before that meeting. Jeff?

JEFF NEUMAN: Yeah, thanks. So, yeah, we're going to have the agenda, and that, of course, will be sent around. I will note that the GAC, as they've been doing for the past couple meetings, which I think is great, they send around a list of talking points, I think that's what they call it, to us. I sent it around two meetings ago, thought it was sent around the last time, but I think it got lost in translation, so I'll take the blame for that one, but I will make sure, Manju, that the talking points do get sent. I think it's great that the GAC has talking points. It would be fantastic if we could get our act together and get some talking points on the subjects to the GAC as well, but in either case, whether we get that done or not, I will make sure that everyone has the talking points, which is what the slides were

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based on at the last couple meetings. So I will, sorry about the last time, but I'll make sure that it gets around to the Council for this one.

GREG DIBIASE:

Great. Thanks, Jeff, and I see Justine's comment as well. So as topics are developed, we will be thinking of ways to make sure we get that out to the group before the meetings. Any burning topics? I mean, for the ICANN board, I guess my initial thought would be a consultation on the non-adopted SubPro recs, since we have them there, and we're already engaged in a dialogue. Any other thoughts? Perhaps the IGO. Jeff?

JEFF NEUMAN:

I mean, if I can make a suggestion, I recognize this may be beyond, so I apologize in advance, but there is the 2014 GNSO recommendations on the IGO, releasing the IGO acronyms, and that you have the GAC's advice about not implementing that until a trademark service, watch service is implemented. So perhaps, I mean, although this would probably be best as a three-party discussion, just to forecast or foreshadow or whatever it's called, I'm sure this would be an agenda topic with the GAC, so perhaps it should also be an agenda item with the board.

GREG DIBIASE:

Thanks, Jeff. The request has been legitimized by Paul and Susan in the chat that agree with you. Sebastien?

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SEBASTIEN DUCOS: Yeah, a personal opinion here, but we discussed with the board and the ICANN interim CEO, having a date for a next round, a launch date for the application window. All we've heard so far is a hopeful April 2026, and in further discussions with the interim CEO, we've tried to get a better understanding what that date is. Hopefully, April is not a date. And so if by the time we meet in Hamburg, this is still not announced, I would love to have that discussion with him.

GREG DIBIASE: Great. I think that's a pretty straightforward topic. Anyone else? Okay. Well, if ideas come to any councilor in the interim, please reach out and leadership will work with staff on developing these topics and making them accessible. I think it's back to you, Seb.

SEBASTIEN DUCOS: Well, thank you. I'll lower my hand. And thank you for keeping up to time. Actually, you're much in advance, which already gives me an idea, but I'm not going to jinx that and not say it, for a last minute topic. With this, I will pass on the mic to John McElwaine, who will be able to take us through item nine and the discussion on auction proceeds. Go ahead, John.

JOHN MCELWAINE: Sure. Thanks, Seb. So what kicks off this discussion really is an email from Xavier Calvez, who's with ICANN Org, to Sebastien as the chair of the GNSO Council. What this is concerning is the CCWG on auction proceeds. And I'm just going to kind of, if

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people haven't had a chance to click into Xavier's letter, I'll just kind of read some portions of it.

So apparently, last month, the ICANN board chair sent an email to former members of the CCWG to inform them of the board's intention to direct ICANN Org to change the implementation path of the CCWG AP's, if that's the acronym, recommendation number seven.

The recommendation number seven was focused on limiting the use of ICANN's accountability mechanisms to challenge individual auction proceeds application decisions made by the independent assessment panel. As part of that recommendation, the working group recommended that the ICANN bylaws would need to be changed to remove that sort of challenge from being a bylaws mandated challenge process. So obviously, this was a final report, again, not a GNSO Council policy, capital P policy report, but a CCWG report approved by, in 2020, by the GNSO Council and the other chartering organizations. And that recommendation seven is now being looked at by the board and implementation to be changed. Because the board is looking to change a recommendation that they approved, they are asking, they're kind of engaging in a transparent process to discuss those changes.

Therefore, the purpose of the email was to let us know about that and specifically this question, which is recognizing that the former members appointed to the CCWG AP now act in their individual capacities, in other words, there's no longer any—the charter ended at delivery of the final report, please let us know if we are comfortable with having those members engage in conversations with ICANN org or whether this should be held differently. And so

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with that, I'd like to see if anybody has any thoughts, questions, discussion on the topic. Susan, over to you.

SUSAN PAYNE:

Thanks, John. And I don't, you probably don't know the answer to this, but, but I mean, is there a reason why, like if the CCWG AP has been disbanded because it finished its work, is there any reason why it couldn't be kind of reinstated because this aspect of their recommendations needs some follow up? I mean, it seems to me that those members are the right people to have this discussion, probably. They've certainly got the background and they know what they previously considered in relation to the recommendation. And I believe they considered very seriously other alternatives besides what they finally came out with. But if that group's been disbanded, they do rather lack any kind of mandate. So is that a path forward that they just be reinstated for this purpose for a short period of time?

JOHN MCELWAINE:

Thanks, Susan. I think it is. I had to do a bit of homework for this. So I pulled up the charter for this particular work group. And it said the CCWG is not expected to play any role in the implementation of its recommendations, but it may provide implementation guidance as part of its final report. Should it be recommended by the CCWG or the charting organizations that a dedicated implementation review team is created to support the implementation recommendations, that that should occur later. So it certainly was contemplated in the charter that there could be some additional work by these members. And I think that that

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could occur. What I'm not exactly sure is how we would then have the various SOACs have input through those people. But I don't think that that should be an impossible sort of task to implement. And I think probably on this topic, Anne has some comments from what I've seen in the chat. So Anne, over to you.

ANNE AIKMAN SCALESE: I guess it's a little odd in that there doesn't seem to be anything in the CCWG guidelines that accommodates the sort of informal process of kind of reconstituting with an invitation to the former members. I would say as far as the council's concerned itself, if you want to move forward in this direction, to me, it looks as though it's very clear that whatever solution might come out of the informal listserv that's been established would need to be under the CCWG guidelines approved by each of the chartering organizations. So that would be sort of the check and balance on any recommendation that's coming out. And as I think I sent to the list, the former chairs of auction proceeds stated that they didn't really think that this recommendation should be changed in this manner. But others on the list who are former members said that they favored a sort of a hybrid approach where possibly the first 10 million that has been planned under the grant program could operate with the suggested solution by ICANN. And in the meantime, that ICANN might go ahead and seek that fundamental bylaws change. So that's where that stands right now. And we haven't really had any further discussion on that listserv. I think it's all pending the input that the board receives from the chartering organization. So, I mean, I do want to encourage GNSO council. And again, and I'm non-voting capacity, but I was the voting



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delegate on behalf of CSG for the CCWG after Marilyn stepped down. And I think if Council wants to move forward in this informal manner that the council should advise the board and ICANN org that it reserves the right to approve the solution as a chartering organization. Thank you.

JOHN MCELWAINE:

Thank you, Anne. I agree. Paul, over to you. Thanks, John. And thanks also to Anne. I agree that the council should reserve the right to approve whatever comes out of this as a chartering organization. I do wonder whether or not the CCWG and accountability should also be invited to participate because this really is their recommendation that's being undermined.

What the staff is proposing is essentially a stealth bylaws change that would allow them to contract around the fundamental bylaws which contain this provision allowing challenges. And it may seem harmless now because, well, I mean, who should be allowed to challenge free money, right? But once we go down this path, there's nothing keeping this stuff from showing up in registry agreements and registrar agreements and absolutely everything that staff does. And essentially they could contract away some very basic protections for the community. And so I think we should reserve the right to approve anything as a participating part of the community, but also maybe go back to staff and suggest that they include the people that actually came up with the protections that staff is trying to contract away and ask them to participate as well. I think that this is a mistake. It's one of those times in ICANN land where you can see a mistake coming at you at seven miles an hour. And so I think since it's coming to us at seven miles an hour

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and while we really would like after how many years, 11 years for ICANN to give away some of this money they promised to give away 11 years ago, the fact that none's been given away for 11 years indicates that this is not an emergency where we need to give away basic protections back to staff, back to the org rather, and set a precedent that we're prepared to alienate them for speed. So anyways, that's my soapbox. Have a good day, everybody.

SEBASTIEN DUCOS: Thanks, Paul. I mean, it sounds like to me that people are in favor of responding that there needs to be—[inaudible] okay for this conversation to go on, but there's a bigger sort of procedural issue here, kind of like a section 16 amendment in our own operation procedures in how this type of change to a working group's recommendation should occur. So I think the next step probably if we don't have any other folks chime in is for us to put together a draft response back to Xavier with some of these concerns and circulate it. So let me pause there to see if folks have any more input or issue or concerns with that suggested path forward. Okay, seeing nothing, Seb, I think I can turn it back over to you.

SEBASTIEN DUCOS: Thank you, John. And I see several plus one Johns for the suggestion to draft a response. So thank you very much for that. This gets us into AOBs. And I have a schedule, but if we can keep the AOBs to the 20 minutes, I will be very happy to use the remaining time for last minute topic. I believe the first one of the AOB will be tackled by Caitlin. If you are there, it's all yours.

CAITLIN TUBERGEN: Thank you, Sebastien. This is Caitlin Tubergen from support staff speaking. And as you can see from the agenda, I just wanted to call everyone's attention to the upcoming GNSO prep week webinar. It's scheduled for Tuesday, October 10 at 13:00 UTC. For those of you who may have never attended one of these before, the purpose of the webinar is for the council to have a chance to hear from the current PDP chairs, and also from the current small team chairs, if there's anything that those chairs need to draw to the attention of the council and prep for the upcoming ICANN meeting. Attendance is mandatory for councilors. We did arrange some things so that the timing falls on one of the typical council meeting times so that it's convenient for the majority of you. And again, it gives you a chance to hear from the current chairs and make sure that everything is proceeding well with their work. This session overtook the previous sessions in ICANN meetings where there was a chance in person for chairs to speak to the council on the Saturday session. But since we don't have that session anymore, we have repurposed a webinar so that you can attend virtually but still hear from the chairs. And the last thing I'll note about this is that following this webinar at the next ICANN meeting following, excuse me, the next council meeting after ICANN 78, we'll be doing postmortem on if this is the best way for the councilors to receive the information. And if you have suggestions about what could be improved or if this should move into a different format, we're happy to hear those. But for now, please note that attendance is mandatory for all of you, Tuesday, October 10th at 13:00 UTC. Thanks, Seb, back over to you.

SEBASTIEN DUCOS: Thank you. And Marie, we've already taken into account your apologies. But indeed, this is just to make it clear, this is a session for us to get updated from the different members of the different working groups and small teams and etc. This is not just an exercise for us to tell the community what we're doing, which talking about it within leadership, we realized that there was some ambiguity. So be there, be there of course, I'll make sure that everybody is there. Tomslin, I see your hand up.

TOMSLIN SAMME-NLAR: Thanks, Sebastien. I know you just said it's for the chairs of the groups to update the council. Is it also an opportunity for councilors to ask any question or concerns they have on those working groups directly to the chairs as well?

SEBASTIEN DUCOS: Yeah, absolutely. Good point. Absolutely. And yes. Now, if you have questions that are tricky to answer and want to get an answer on the day, you might want to preempt and send the questions in advance. But absolutely, it's a dialogue. And thank you for bringing it up.

Next, item 10.2. I believe Marika is going to present that for us.

MARIKA KONINGS: Yeah, thanks, Sebastien. This is Marika. I think I can be fairly brief about this one. You should have all received the save the date

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notice from Terri. We're in the process of starting the agenda for the strategic planning session. Obviously, looking back at the feedback you provided after the last meeting. And obviously, if you have any ideas, suggestions, or further thoughts that you would like to share, please feel free to reach out to us and stay tuned for further information.

SEBASTIEN DUCOS: Thank you, Marika. That was brief enough. 10.3. We have liaison updates, and in particular from Desiree, if you want to step up.

DESIREE MILOSHEVIC: Yes, thank you, Sebastien. Good evening. I have prepared a couple of slides in case my audio doesn't hold up as previously. This is just an update to say that we have started planning our joint ccNSO Council and GNSO Council meeting for the ICANN 78 in Hamburg. I'm not sure why the slides are not showing. I sent it to Terri, but we can share them afterwards. I can talk through without them. As you know, we met in a March meeting with the Council, but it was an informal ccNSO Council meeting with the GNSO Council. This time, on September 8th, we started planning an agenda. That's what I really wanted to share with you. This is an important meeting for the ccNSO, especially because they will be celebrating their 20th anniversary and 2003 Rome meeting where the ccNSO was founded. We already have a time in the agenda for our joint meeting on Sunday. It's going to be at 1:15 local time.

In terms of the topics that we've discussed with Everton Rodriguez and others, the leadership team, there seems to be an interest for ICANN and the Global Digital Compact, or even more so the WSIS, which is the World Summit on the Information Society review process. The idea is that there will be an introduction to the topic and then some 25 minutes of presentations and discussions and leave possibly five minutes for Q&A. As you may recall, WSIS 20+ process is quite important because it's an opportunity to really reaffirm the support for multi-stakeholder internet governance and ICANN is certainly one of these leading models. We talked about different groups trying to ensure participation from wider ICANN groups, including the GNSO.

Then the second topic on the agenda, this is a draft agenda, would be updates from our activities but also activities from the ccNSO Council. They had a call this evening, I was on that call, and so it was good that they didn't overlap this time with the GNSO call, which usually does.

The last topic that's suggested would be really a topic on how do we look at the bylaws changes and it really didn't trigger anything particular topic in terms of bylaws changes, whether it's the future of NomCom or any of the SubPro discussions that we have on our mind. It's really to have an input from Samantha Eisner, who kindly agreed to give a presentation and generally have a discussion how do we improve the process and also to understand the process. That's the presentation by Samantha.

With that, I think what we're really looking for right now is we have a next call tomorrow and to think about the speakers and I welcome any suggestions about these topics and as well we can

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discuss speakers perhaps during our prep call, GNSO prep call, I don't know if we have one lined up before the Hamburg meeting. That's all I have, so back over to you, Seb.

SEBASTIEN DUCOS: Thank you, Desiree. Any comments? Obviously, if anybody has ideas, please reach out to Desiree on the list for this. Thank you very much. Moving along, item 10.4, we're going to have a discussion about the review of the CCOICI pilot. Wanted to take this up with you again, Marika.

MARIKA KONINGS: This is actually just as well a very brief item to remind everyone that the CCOICI was chartered as a pilot project, and as the group has now almost completed its work, we had actually anticipated that the vote would have passed and that would have meant the conclusion of the CCOICI assignments that we could talk about the review of the pilot and just kind of flag that the next step would be to kind of work with the CCOICI and as well the members that participated in the task force to review the experience, did it work, obviously also talk to council to enable the council then to review the pilot and decide whether or not to continue with the framework approach, whether in the existing format, in the change format, or something completely different at all. So we'll be putting a bit more thought into what that may look like. But at the same time, this is also linked to item 10.6, because there is maybe still some work remaining that you may want to keep the CCOICI around for, and I think the idea is that that might be possible to do in parallel to the review. I would suggest kind of working with Manju as the chair of

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the group to kind of set out a plan for how to conduct a review and then obviously report back to council on the findings. But if there are any specific suggestions or ideas for how we should approach that, we're of course more than happy to hear those. So I think that's all I wanted to share on that point.

SEBASTIEN DUCOS: Thank you, Marika. Any questions on this? I see none. Doing fantastic here. So 10.5, the IGO next steps, and I don't have any name to call for this, so I can't remember. I believe Susan had brought the topic, so if you want to speak to it. Yes, she raised her hand. Perfect. Go ahead.

SUSAN PAYNE: Yes, thanks, Sebastien. Yes, it's just, to circle back really to this topic, we had it on our agenda a couple of meetings ago, and the topic was on our agenda then, I think again as an AOB, but for us to think about whether this was still a priority. And I don't think we really had an enormous amount of time to discuss it, and I don't really feel that we came to a conclusion on whether it's a priority or not. But at that meeting, you shared, said that you'd received an email from Mary Wong, and that it addressed much of the sort of outstanding issues. And so since then, we've all had an opportunity to read Mary's update. And whilst I would say it does touch on some of the IGO-related outstanding matters, it doesn't really address, certainly in any detail, all of them. And in particular, there's not really much in the way of an update on what is happening and the status on the development of a permanent post-registration notification system for IGOs, which is something



that has been due to be developed for now a good few years, or on any clarity, at least as far as I have seen, on whether there is any need to continue the by-laws mandated board GAC consultation process or whether that has been completed.

And this is not said as any kind of a criticism. But as I said in my email, I just think it would be really helpful for Council to seek a kind of, like an overarching update on all of these outstanding IGO-related actions, including a kind of clear explanation of what steps are still needed and what the anticipated timelines are. And really, from my perspective, I think this is a priority still, not so much because there may be TLD registry operators who still have names that they would like to release, but they're still on temporary hold, although there may be some. But a temporary block was put on release of certain names 10 years ago, and it's not looking very temporary. And the policy work on this has been done, the solutions have been developed. I'm sure that there's work going on implementation, but it's just not terribly visible to the wider community. And I think the GNSO should be taking an interest in ensuring that what policy work got developed does get implemented so that this is closed off. So I really, all I think I'm saying is I think we should seek that sort of detailed update on what needs to be done and what the anticipated timing is. Thanks.

SEBASTIEN DUCOS:

Thank you very much, Susan. If you remember, I shared the letter, because Mary couldn't make it on the last call. But we have a Mary who is ready to answer some of your questions.

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MARY WONG:

Thank you, Sebastien. Thank you, Susan, for raising the topic. And hello, everybody. I do realize time is short. But so it may well be, Sebastien, that this can be something that we can address more fully at your next meeting if there's time. The reason I say this is because as I think many councilors are aware, but perhaps not all, there are actually various work streams that relate to IGO and the GNSO's IGO policy recommendations. The one that Susan, you focused on, relates to the development by ICANN Org of a permanent system that will notify an IGO when a third party registers a domain matching that IGO's acronym. That is something that we have been planning for a while at the board's direction. And I can say that we are moving ahead with the development work. And we are planning out a timeline in conjunction with another stream of work, which is implementation of the curative rights recommendations that you approved and that the board adopted a few months ago. As I alluded in my update, this has been somewhat challenging both of work streams simply because of the need to make sure that we have the right staff doing the right things at the right time, while also involved in other things. But I'll say for now that we are moving ahead with developing the permanent notification system, which will then allow the board to release those acronyms that have been under interim reservation for quite a while. We are also moving ahead with planning for the curative rights implementation. And we are going to be using an external vendor to streamline the timing. And we plan to come back to you as the GNSO council on the question of forming the IRT, because that was a direction that you gave to us as you approved those recommendations. So those are the two work streams that I'm happy to go into more detail at a later time

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when there is more time and when we are on the org side in a better position to give you a firmer timeline for both streams of work.

The other thing that I thought perhaps I should mention is that there are other items relating to IGO policy that also need to be closed off. And in particular, these relate to remaining inconsistencies between GAC advice and GNSO policy recommendations from the very first GNSO PDP that was done on IGO protections. So on that, the board is aware that it needs to engage with both the GAC on the GAC advice and with you on those recommendations from that first PDP that actually have not yet been adopted by the board. I don't have a timeline for that, but it is on the board's radar. And I just wanted to mention it because then that is really the remaining work stream that really hasn't gotten a lot of attention. But I just wanted to make sure that for completeness that the council is aware that these are the various work streams that we have in mind under what we're calling the IGO program within the org.

SEBASTIEN DUCOS: Thank you, Mary. I hope that answers some of your questions, Susan, but definitely a topic that we need to keep on our roster, which leads us to 10.6 and work stream two of the community coordination group, which Manju will speak to.

MANJU CHEN: Hello. I hope you have all read my email to the council mailing list. It's about some questions from the staff regarding the WS2

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implementation questions. And while I also recommended in my email that we can deal with it within the CCOICI because we have been dealing with the WS2 recommendations since we started, and I thought the members on the CCOICI will be more well-versed in the recommendations. And so that was my suggestion. So I don't have to bother you guys with reading the whole report, considering whether to take actions. Of course, when we have a recommendation, we will bring it back to council for the council to consider. So that was my short kind of presentation about this issue. I hope nobody has any questions and we can take it back into CCOICI to deal with it. Of course, after [inaudible].

SEBASTIEN DUCOS:

Thank you, Manju. Any comments on this for anybody else? No hands raised. So I guess indeed we can go back to CCOICI and as soon as we were able to settle the SOI issue.

Now, I think this is a first and definitely a first since I'm leading this. We are finishing a whole 12 minutes early. And so I will take this opportunity for a very last-minute agenda item. I wasn't sure if I could fit it at all, but we've managed it. And this is a quick heads up with regards to, and I don't want to name it the Quebec issue, but the issue of accents and diacritics in Latin languages in particular that could be deemed confusingly similar to existing strings or other applications.

There's been discussions about it. Thank you, Anne, for putting that in the chat. There's been discussions about it, including today in the IRT, as we are looking at the whole wording about string similarity and all that work. And I wanted to suggest two things.

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First of all, sorry, one thing, but first of all, in our conversations that we had a month ago, I want to say two months ago, I lost track of time, sorry. I suggested that this should be done directly after the IDN EPDP. And a few of you rightly questioned that and said, why do we need to wait until the IDN EPDP is finished if it's not joined together? My initial assumption was that because of a lot of learning and competence from that group that would serve it, but you're absolutely right. It doesn't need to wait for that to be finished.

The other point of news is that there's been discussion with Jason Merritt, who's the GAC member for Canada, who's asked us if there was a way to expedite this. In the discussion in the IRT today, I reminded them that policy development doesn't happen overnight. And when we try to calculate, for example, what a quick policy development for the then foreseen post-generic discussion was already taking us to basically where the limit of the IDN EPDP deadlines are.

But nevertheless, I think that the IRT is very ready not to pause anything, but to make allowance for late arrival on this topic if we're able to do it quickly. I would like to suggest that we start looking at chartering this thing, and particularly chartering something that would be very narrow. Obviously, not specifically on .Quebec, but on non-variants. I'm not going to go into the discussion explanations as to why accents in Latin languages are not variants. There is an explanation, but let's not do it here. But do this on a topic that is very narrow, again, these non-variants, diacritics, and others in Latin languages where relevant, to ensure that this is not a topic that starts sliding elsewhere in string

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similarity. I'm thinking, for example, of the singular plural. I don't think that it should be part of the discussion. And basically ensure that we're working or we're finding solutions that match those of the variants in terms of the same registry operators, same backend, same technology, and so on and so forth, requirements that are imposed on variants. I think that they're the same way of looking at it. There are a number of questions to be looked at. Again, the conditions of the variants allow, for example, for multiple applications to come under a single application fee with the variants. And so there's work to be done on this. But I would like to suggest that we start charting this quickly. And I'm raising my hand to start doing that work, possibly in the months to come before ICANN 78.

So I'm not sure how to start this, if this means spinning a small team, if this means having people raising their hands for it, or if this means that I take a first stab at it and share my thoughts on the main thing, whatever the matter is. I'm happy to read this and I think that we should start quickly. And this chat is happening way too fast for me to read it. So I will take Manju's hand up and give you the mic.

MANJU CHEN:

Thank you. I'm sorry, I'm not raising my hand to join you to draft the charter. But I remember I probably wasn't the only one, but I raised this last meeting about, it doesn't have to wait until IDN is finished. But then I immediately got response from staff, which is like, they have to wait because they're short of people too. It's not only the community that has to supply people for this working group. Staff is very stretching thin too. So I was wondering if we

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start now, does staff still have the bandwidth? And I don't want to burn them out too, because ourselves are on fire already.

SEBASTIEN DUCOS: Thanks. So fully appreciated. I didn't mention starting to work immediately. I mentioned the very initial step, which is chartering it and figuring out what that looks like. We will have to figure out the capacity of the community and staff taking any work. But at least if we're able to describe exactly what this should be or should not be, it will help us figuring out how many people and who we need on this. I see Mark's hand up.

MARK DATYSGELD: Very briefly. I'm just volunteering for whatever follows.

SEBASTIEN DUCOS: Thank you very much. And then Steve.

STEVE CHAN: Thanks Sebastien. This is Steve from staff. Just want to clarify on the next steps, at least from the staff side, how we envision this taking place. So as far as we understand it, this topic is not necessarily well-scoped. There's not a follow on policy issue from another effort or there's something to that effect. So from our perspectives, this would require an issue report actually. So in our minds, the next step would actually be for the council to request an issue report. Thanks.

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SEBASTIEN DUCOS: Well, thank you. Thank you for keeping me honest. You're absolutely right. And if that's the next step, then that's what we should be working on. Philosophically, I would like for us to start looking at what needs to be done, whatever the step is. And sorry for misspeaking if charter is too fast for this. But I would like to be able to scope it, see what we're talking about and be able to give some answers to the IRT, to the Canadians, to any other parties that might be interested. Jeff, I saw you hand up and then down. Was there something you wanted to add? Go ahead.

JEFF NEUMAN: Yeah, I wanted to just ask about Anne's comment. She says, as GAC liaison, can you please check with the GAC? [inaudible] contact and leadership on this. Can you explain what I would check?

ANNE AIKMAN-SCALESE: Yeah, thanks. I just think this is one of those topics, Jeff, that we may well hear from the GAC on. And it would be good to have communication lines established early on on this one because of the timing issue and also the potential ultimately for GAC advice. It just would be good to know in your role as GAC liaison where leadership in the GAC stands on this. If your contact—is it Jorge? Or I'm not sure who it is, could let you know.

JEFF NEUMAN: Yeah, I can ask to see if the GAC has a position on this. But help me. So are we voting to have an issue—Because doesn't an issue report require a vote? I know it's an easy burden, but I thought it



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requires a vote. And if we do an EPDP on it, it doesn't really require an issue report. Not that I'm objecting to an issue report, but just want to know where we are so I can tell the GAC to give them this update because I'm not really sure what the update is.

SEBASTIEN DUCOS:

So let's be clear. And we'll have that discussion with staff and who will put me back on the straight and narrow. All I'm suggesting here is that we shouldn't wait, as we discussed last time, for the IDN to be finished and look at a whole year before we start working on this. I would like for this to start earlier. Whatever the steps are, no, we haven't voted on anything. We've just had a 10-minute conversation on it. Whatever the next steps are, we'll share on the list. I need to have discussions also with staff. There is staffing issues related to any more work. We need to look at all these things. I just wanted to put on the table the fact that I think that this is a topic that we should be able to move forward with. But frankly speaking, at this hour, 1:00 in the morning here in Europe, I don't have all the moving pieces and I don't know. So maybe let's not immediately go and talk to the GAC about it. Let's figure it out and I'll come back to you guys in the next week or so with what we've been able to discuss between leadership, staff and etc.

With this, we are a whole minute early ahead of schedule. And if there are no other comments or questions, I will be very happy to give you the whole minute. Marie, on the very last minute, go ahead.

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MARIE PATTULLO: And I think it's an important AOB that I didn't announce before. But for those of you that aren't aware, our dear colleague, Mark Datysgeld got married a couple of weeks ago. So on behalf of everyone in Council, Seb, can you please congratulate Mark and [inaudible] for getting married?

SEBASTIEN DUCOS: Congratulations.

MARIE PATTULLO: He's gone all shy now.

SEBASTIEN DUCOS: He's definitely blushing in a corner. I was hoping that he would open his mic and say something, but absolutely, congratulations. As you can see in the chat from everybody. Thank you, Marie, for bringing this up. I wasn't aware. So thank you. With this, and now on the hour, I thank you all and talk to you very soon on the mailing list, in any case, in a month prior next meeting. Thank you very much. And I believe we can stop the recording.

TERRI AGNEW: Thank you, everyone. Congratulations, Mark, even though I wrote it in Zoom chat. I will go ahead and stop the recordings and disconnect all remaining lines since the meeting has been adjourned. And Seb, good meeting timing. Spot on. Thank you.

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SEBASTIEN DUCOS: Thank you.

**[END OF TRANSCRIPTION]**